

Remarks

Reconsideration is respectfully requested.

The rejection of claims 12-23 and 28 is respectfully traversed as follows.

The applicant notes from the Information Disclosure Citation form attached to the Office Action that the Examiner appears to be relying on the Opinion in *Chemical Separation Technology, Inc. v. United States*, 45 Fed. Cl. 513, 53 U.S.P.Q.2d 1419 (1999). The Applicant respectfully points out that at this juncture a more recent Opinion, which the applicant has already submitted, in *Chemical Separation Technology, Inc. v. United States*, 63 U.S.P.Q. 1152 2d (2002) is more apposite. At 63 U.S.P.Q.2d 1156 it was held, after considering all prior art of record including the prior art cited by the Examiner in the office action, that claims 8-23 and 22 in U.S. Patent No. 5,370,800 which correspond to claims 12-23 and 28 in the present application are